

Notice of Allowability

Application No.

09/354,870

Applicant(s)

WILSON ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 8/31/06
2. ☒ The allowed claim(s) is/are 11, 12, 17, 18, 20, 21
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JOSEPH A. FISCHETTI
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Atty. Stovsky on 9/14/06.

AMENDMENTS TO THE SPECIFICATION

The substitute specification filed 8/31/06 is approved for entry.

AMENDMENTS TO THE DRAWINGS

The amendments to the drawings filed 8/31/06 are approved for entry.

AMENDMENTS TO THE CLAIMS

1-10. (Canceled)

11. (Currently Amended) A method of providing at least a portion of an income tax refund amount to a taxpayer through a spending vehicle, comprising:

arranging, among an electronic tax preparation system and a third party spending vehicle provider, to offer at least one spending vehicle to said taxpayer, said spending vehicle redeemable only at a retailer designated by the arrangement;

preparing a tax return by or for said taxpayer using said electronic tax preparation system;

obtaining tax return data from said electronic tax preparation system, said tax return data comprising an anticipated income tax refund amount from said taxing authority payable to said taxpayer;

selecting by said taxpayer said at least one spending vehicle from a plurality of spending vehicles offered by said ~~at least one~~ third party spending vehicle provider;

executing at the time of preparation of said tax return using said electronic tax preparation system an agreement related to said spending vehicle in which said taxpayer agrees to assign at least a portion of said income tax refund amount to said third party spending vehicle provider and said third party spending vehicle provider agrees to accept said assignment and provide said selected spending vehicle to said taxpayer and to accept an associated risk for non-payment of said portion of said income tax refund, wherein said agreement does not involve

issuing a loan or credit to said taxpayer and wherein said taxpayer and said spending vehicle provider obligations occur upon submission of said tax return to said taxing authority;

transferring electronically said at least a portion of said income tax refund amount to an account for said third party spending vehicle provider; and

issuing said selected spending vehicle to said taxpayer, said selected spending vehicle having a prepaid value greater than ~~corresponding to~~ said assigned at least a portion of said tax refund and said taxpayer redeems said selected spending vehicle at said designated retailer to purchase products or services.

12. (Previously Presented) The method of claim 11, wherein said selected spending vehicle is selected from the group consisting of one of the following: a debit card, checking card, electronic account, coupon, voucher, gift card, rebate certificate and store account.
13. (Canceled)
14. (Canceled)
15. (Canceled)
16. (Canceled)
17. (Previously Presented) The method of claim 11, wherein said tax return data is obtained from a federal taxing authority form.
18. (Previously Presented) The method of claim 11, wherein said tax return data is obtained with the assistance of a tax return preparer.
19. (Canceled)

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20. (Currently Amended) The method of claim 11, wherein said third party spending vehicle provider is selected from the group consisting of a retailer, a financial institution, a service provider, a wholesaler, a distributor, a manufacturer, an entertainment entity, and a taxing authority.
21. (Previously Presented) The method of claim 11, wherein electronic tax preparation software is used to obtain said tax return data and to provide the taxpayer with the option to select said spending vehicle from a plurality of spending vehicles.

The following is an examiner's statement of reasons for allowance:

1. Clear Statement:

Claim 11 the sole independent claim distinguishes, inter alia, over Longfield US 5724523 the closest prior art because US' 523 neither discloses or suggests: 1. the third party spending vehicle provider agrees to accept an associated risk for non-payment of said portion of the income tax refund, wherein the agreement does not involve issuing a loan or credit to said taxpayer and 2. issuing the selected spending vehicle to said taxpayer, the selected spending vehicle having a prepaid value greater than the assigned at least a portion of said tax refund. In contrast, Longfield discloses creating a deposit loan account against which a credit card is secured which requires an application approval process. Rather, in the present invention, the risk is assumed by the spending vehicle provider. Second, Longfield neither discloses or suggests issuing the selected spending vehicle to said taxpayer, said selected spending vehicle having a prepaid value greater than the assigned at least a portion of said tax refund. This is used by the provider to give an incentive for the tax payer to use the vehicle exclusively at the providers store.

2. Search Areas and Tools

See Record

3. Search Query:

See record

4. Best Art In Each Category

US. : Claim 11 the sole independent claim distinguishes, inter alia, over Longfield US 5724523 because it recites that 1. the third party spending vehicle provider agrees to accept an associated risk for non-payment of said portion of the income tax refund, wherein the agreement does not involve issuing a loan or credit to said taxpayer and 2. issuing the selected spending vehicle to said taxpayer, the selected spending vehicle having a prepaid value greater than the assigned at least a portion of said tax refund. In contrast, Longfield discloses creating a deposit loan account against which a credit card is secured which requires an application approval process. Rather, in the present invention, the risk : : is assumed by the spending vehicle provider. Second, Longfield neither discloses or suggests issuing the selected spending vehicle to said taxpayer, said selected spending vehicle having a prepaid value greater than the assigned at least a portion of said tax refund. This is used by the provider to give an incentive for the tax payer to use the vehicle exclusively at the providers store.

Foreign: EP 0 798 677 A1: Claim 11 the sole independent claim distinguishes, inter alia, over EP ' 677 because EP'677 fails to disclose or suggest : 1. the third party spending vehicle provider agrees to accept an associated risk for non-payment of said portion of the income tax refund, wherein the agreement does not involve issuing a loan or credit to said taxpayer and 2. issuing the selected spending vehicle to said taxpayer, the selected spending vehicle having a prepaid value greater than the assigned at least a portion of said tax refund.

NPL: "Prepay? Its in the Cards": Claim 11 the sole independent claim distinguishes, inter alia, over "Prepay? Its in the Cards" because "Prepay? Its in the

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Cards" fails to disclose or suggest: 1. the third party spending vehicle provider agrees to accept an associated risk for non-payment of said portion of the income tax refund, wherein the agreement does not involve issuing a loan or credit to said taxpayer and 2. issuing the selected spending vehicle to said taxpayer, the selected spending vehicle having a prepaid value greater than the assigned at least a portion of said tax refund.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

5991744 discloses a wealth accumulation system,

5903876 discloses a POS tax refunding system,

6105007 discloses a financial accounting system,

6182891 discloses a electronic banking system,

6473500 discloses a spending vehicle,

3596256 discloses a transaction computer,

5739512 discloses a digital receipt,


6019283 discloses a gaming accounting vehicle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.


Joseph A. Fischetti
Primary Examiner
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JOSEPH A. FISCHETTI
PRIMARY EXAMINER